



Minnesota Department of Natural Resources

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Southern Region
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August 31, 2005

Mr. Don Hultman
Upper Mississippi River NW&FR
Attn: CCP Comment
Room 101
51 East Fourth St
Winona, Minnesota 55987

RE: U.S. Fish and Wildlife Service Comprehensive Conservation Plan

Dear Mr. Hultman:

The Minnesota Department of Natural Resources (MNDNR) would like to commend the US Fish and Wildlife Service (USFWS) for developing a comprehensive and diverse plan for management of the Upper Mississippi River National Wildlife and Fish Refuge over the next 15 years. We support the Refuge Vision and Goals as outlined in the plan and believe the six fundamental uses of the Refuge should continue to drive management and use of the system. We believe the issues generated during your initial scoping meetings reflected the variety of use and experiences sought by the public and your recommended Alternative D provides that diversity. We have attached our specific comments regarding Alternative D Objectives. General comments are as follows:

We strongly support your recommendations for habitat and water quality improvements through increased rate of land acquisition, bluffland protection, decreased sedimentation, pool-scale drawdowns, control of invasive plants and animals, increased inventory and monitoring, and threatened and endangered species recovery. These actions are critical to the long-term sustainability of the Mississippi River and should be of highest priority. Many of these actions can be addressed by implementing the Environmental Pool Plans. Pool Plans were developed through a diverse partnership and would provide a balanced approach to habitat and water quality restoration and management on the Refuge. We will continue our strong partnership with the USFWS and other agencies, NGO's, and the public to implement the Pool Plans to accomplish these activities.

We agree that developing additional rules for beach use, camping, and other related recreational activities in the refuge are needed. Given the high level of recreational activities on the Refuge and the potential impacts on fish and wildlife habitat, it is important that USFWS maintain a perspective that looks into the future and anticipates increases in user numbers and recreational activities. We suggest the USFWS consider eliminating or restricting the use of airboats, hover crafts, jet skis, and any other motorized mechanism that negatively impacts fish and wildlife resources in these critical habitats, and negatively affects other recreational pursuits in these areas. Exemptions should only be granted to federal or state agencies for research, monitoring, or law enforcement purposes, and use should be avoided whenever possible in closed areas during critical times of the year such as waterfowl migration.



Alternative D calls for significant changes and increases in regulations for a wide variety of recreational and commercial uses in the refuge. These changes will increase law enforcement demands and impact MNDNR Conservation Officers as they receive calls and complaints regarding Refuge regulations. This is especially important considering there are not enough federal wardens to meet current needs or to enforce additional regulations resulting from the Comprehensive Conservation Plan (CCP). While we recognize MNDNR Enforcement staff are not directly responsible for enforcing Refuge specific regulations, they will be called to address problems as the public often does not discern between state and federal wardens. In order to fully evaluate the level of support needed and our ability to assist the USFWS in implementing the CCP, we request that the following enforcement issues be addressed:

1. Location and availability of federal enforcement staff to answer calls for service from the public and other law enforcement agencies.
2. Expectations for other law enforcement agencies to respond to violations occurring in the refuge when and if USFWS staff are not available.
3. Jurisdiction of other law enforcement personnel responding to federal law violations on Refuge property.
4. Costs to other agencies to provide law enforcement on Refuge property as well as the need to alter or modify existing work plans and work loads.
5. Development of a response and referral plan for public inquiries directed to the MNDNR regarding service and information related to the Refuge and regulations.

We appreciate the opportunity to comment on this plan and the efforts you have taken to include other partners and the public in the planning process. Meetings between MNDNR and Refuge staff have been productive and have helped us better understand the issues being addressed. We look forward to continued cooperation as we work together to improve the Mississippi River for fish and wildlife while accommodating public use.

Please contact me or Tim Schlagenhaft (507-280-5058) of my staff if you have any questions regarding our comments and recommendations.

Sincerely,



Cheryl Heide

Attachment

c: Gene Merriam	Mark Holsten
John Guenther	Dave Leuthe
Craig Mitchell	Rebecca Wooden
Randy Evans	Tim Schlagenhaft
Ken Varland	Huon Newburg
Walt Pop	

Minnesota Department of Natural Resources - Specific Comments on USFWS CCP, Alternative D

Objective 1.2 - Land Acquisition

We agree with the need to continue land acquisition efforts within Refuge boundaries and suggest you add an additional strategy such as: "Work with state, local governments, and private land trusts to identify critical tracts for purchase." The MNDNR through the Natural Heritage Program and County Biological Survey has identified areas of high biodiversity, which may be integrated into this long-term strategy.

Objective 2.2 - Water Level Management

We strongly support the continued use of drawdowns to improve vegetation growth and encourage a more natural deposition of bottom material for island creation. We recommend increasing the frequency and duration of drawdowns to more closely resemble the natural hydrograph (including investigating the potential for winter drawdowns) to improve habitat and possibly offset costs associated with island development.

Objective 2.3 – Invasive Plants

We encourage quick, responsive action for controlling new infestations of invasive plants within the Refuge. At a minimum, we recommend simultaneous actions of inventory work and control of invasive plants to prevent or minimize further spread throughout the Refuge.

Objective 3.7 - Commercial Fishing and Clamming

We find the proposed strategies to be consistent with our desired management of commercial fishing. It is important that commercial fishing licenses be issued as a single permit through the states and not become a dual licensing procedure.

There should also be clarification that the USFWS could not allow commercial harvest of mussels in state waters where commercial clamming has been eliminated.

Cooperation between USFWS and the four states on commercial fishing will be important as Asian carp species become established within the Refuge. These species will have an effect on commercial harvest and may have population impacts to native species that are currently harvested commercially. We encourage you to include these concerns in the CCP to increase awareness of this potential problem.

Objective 3.9 – Forest Management

We agree more attention needs to be focused on improving forest resources and we recommend you add the following strategy: Support a balanced forest management approach that provides adequate habitat for cavity nesting game and non-game species. Allow for the retention of closed or primarily (>70%) closed canopy for forest birds such as red-shouldered hawks, cerulean warbler, etc. We support completing a forest inventory and hiring a Refuge Forester, and encourage incorporation of the forest management practices included in the Environmental Pool Plans.

Objective 3.10 – Grassland Management

We agree that many species of wildlife are dependent on grassland habitat. The Minnesota DNR recently produced an action plan for waterfowl management entitled “The Challenge to Restore Minnesota’s Wetland and Waterfowl Hunting Heritage, a Two-year Action Plan, 2004-2005”. This report recommends increasing grassland areas where possible to improve nesting success of waterfowl and other ground-nesting bird species. As such, we recommend USFWS add a strategy under this objective to increase grassland acreage within the Refuge. Furthermore, we recommend the use of native species, particularly clump forming plants, which will provide nesting conditions favorable to birds as well as turtles.

Objective 4.2 - Closed Areas

We support efforts to provide refuge and sanctuary for migrating waterfowl. The Minnesota DNR report referenced above identifies fall security as being insufficient in some areas to attract and hold migrating ducks. Your proposal to increase the number of Closed Areas within the Refuge supports DNR’s strategy to establish additional waterfowl sanctuaries, refuges (ideally one every 25 miles), migratory waterfowl feeding and resting areas and other restricted boating areas to reduce disturbance and increase use by migrating waterfowl.

We have heard, however, a considerable amount of concern from anglers about the proposal to make Closed Areas off-limit for fishing during the period of October 1 to the close of the respective state waterfowl season. Fall fishing is an extremely popular activity and we feel that not allowing angling during this period in all Closed Areas is overly restrictive and will not be supported by the public. We suggest the following modifications be made to Alternative D that support the biological need to provide security, feeding and resting areas for waterfowl while continuing to allow fishing opportunities for the public:

1. Delay the no entry/angling period until later in October, perhaps second or third week of October when diving duck numbers begin to build. This would allow some fall angling to occur while still providing migrating waterfowl the benefits of Closed Areas.
2. Use additional Voluntary Avoidance Areas as have been used in Lake Onalaska in Pool 7. This may be effective in reducing waterfowl disturbance and would foster education and participation of anglers.
3. Extend the period of no entry (for motorized craft only) in the Closed Areas after the waterfowl season to late December. Climatic trends and increases in available habitat have extended open water use by waterfowl in many sections of the Refuge. This extension would provide additional benefits to late staging waterfowl including tundra swans, and grant a more primitive and quiet experience for those trappers and anglers who desire that experience.

Objective 4.9 - Fishing Tournaments

We support the language in Alternative D relating to tournaments on the Refuge. The USFWS could play a key role in facilitating tournament regulations that are consistent between states and are acceptable to tournament organizers and the general public. We recommend existing state rules be used as a foundation for this process. As with commercial fishing, it is important that tournament permits be issued as a single process through the states and not become a dual permitting procedure. Given the time frame and procedures required to change state

rules/statutes, the January 2008 goal may be optimistic.

Objective 5.1 – Beach Use and Maintenance

At present, Subp. 2, C&D satisfy MNDNR concerns regarding the ability to close and/or restrict beach use and other recreational activities that may significantly impact critical wildlife habitat. The flexibility to implement this management strategy, when deemed necessary, is important for such species as turtles and ground nesting birds.

Objective 5.2 - Electric Motor Areas

We support the concept of this Objective and all locations and provisions identified in Alternative D. However, we are somewhat disappointed that larger contiguous areas, (i.e. the entire Weaver Bottoms, including everything east and south from Murphy's Cut/Halfmoon Landing to the main channel) which were discussed and recommended in earlier planning, (i.e. Manager for a Day Workshops, etc.) were not identified and incorporated into Alternative D.

Objective 6.2 – Public Access Facilities

We are concerned about your proposal to implement a self-service launch fee at Refuge operated boat ramps. We believe it will put additional strain on existing free, non-Refuge facilities (city, county, state) that are already crowded, and will create some areas on the river that would have no free public access on the Minnesota side (i.e. Pool 5a). We are willing to work with you to explore other options for maintenance and operations of these facilities.